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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

Case No. 22-14422-nmc

MUSCLEPHARM CORPORATION,

Chapter 11

Debtor.

Date: July 31, 2023

Time: 10:00 a.m.

**DECLARATION OF TERESA M. PILATOWICZ IN SUPPORT OF MOTION TO
COMPEL COMPLIANCE WITH DISCOVERY REQUESTS
TO RYAN DREXLER**

I, Teresa M. Pilatowicz, make this Declaration under 28 U.S.C. § 1746 and declare as follows:

1. I am over the age of eighteen (18) years and competent to testify to the matters asserted herein, of which I have personal knowledge, except as to those matters stated upon information and belief. As to those matters stated upon information and belief, I believe them to be true.

2. I am an attorney at the law firm of Garman Turner Gordon LLP, counsel to Empery Tax Efficient, LP.

3. I submit this Declaration for all permissible purposes under the Federal Rules of

Civil Procedure and Rules of Evidence in support of the *Motion to Compel Compliance with Discovery Requests to Ryan Drexler* (“Motion”),¹ filed by Empery.

4. On July 5, 2023, Empery served Drexler with its *First Set of Interrogatories to Ryan Drexler* (“Interrogatories”) and *First Set of Requests for Production of Documents to Ryan Drexler* (“Requests for Production,” and with the Interrogatories, the “Discovery Requests”). The Discovery Requests consist of twenty-one Interrogatories and twenty-two Requests for Production, each aimed and discovery what, if any, evidence exists to support Drexler’s theories. True and correct copies of the Discovery Requests are attached hereto as **Exhibits “1” and “2.”**

5. On July 17, 2023, Empery received *Ryan Drexler’s Objections to Empery Tax Efficient, LP’s First Set of Interrogatories and Requests for Production* (the “Objections”) wherein Drexler set forth his general objections and anticipated specific objections to the Discovery Requests. A true and correct copy of the Objections is attached hereto as **Exhibit “3.”**

6. On July 19, 2023, Empery received *Ryan Drexler’s Responses to Empery Tax Efficient, LP’s First Set of Interrogatories and Requests for Production* (the “Drexler Responses”), but Drexler did not produce any responsive documents at that time. A true and correct copy of the Drexler Responses is attached hereto as **Exhibit “4.”**

7. On July 21, 2023, two days after the deadline by which parties were supposed to produce documents, Drexler belatedly produced 744 pages of documents in response to the Requests for Production, although 537 pages consisted of a single spreadsheet as follows:

Drexler 000001-124	Emails between counsel regarding bk filing, discussions re financial advisor, and gathering information for IDI and schedules
Drexler 125-131	Texts between Drexler, Eric Hillman, and Rita Mikel
Drexler 132-134	Texts between Drexler and Jason Keenan
Drexler 135-141	Texts between Drexler and Eric Hillman
Drexler 142-144	Texts between Drexler and Will Hovi
Drexler 145-146	Texts between Drexler and Peter Junsberger

¹ Capitalized terms not otherwise set forth herein shall have those meanings ascribed to them in the Motion.

Drexler 147-170	Texts between Drexler and Ryan Lane/ Tim Silver
Drexler 171-708	Cost Sheet Summary
Drexler 709-751	Screenshots of Instagram DMs and Texts with unknown third parties and Hillman

8. By email dated July 22, 2023, Empery's counsel contacted Drexler's counsel concerning the deficiencies in the Drexler Responses. A true and correct copy of the Drexler Responses is attached hereto as **Exhibit "5."**

9. On July 24, 2023, the parties held a telephonic meet and confer (the "Meet and Confer") and the parties did not reach a resolution on the issues addressed in the Motion.

10. On July 24, 2023, Drexler provided a supplemental response to Interrogatory No. 4. No other responses were supplemented. A true and correct copy of the Drexler Responses is attached hereto as **Exhibit "6."**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 24th day of July, 2023.

/s/ Teresa M. Pilatowicz
TERESA M. PILATOWICZ